

04-ALA-238-PM 9.32/13.99
04-ALA-92-PM 6.78/8.22
04-ALA-185-PM 0.00/0.92
EA 0G240K
Jan/2010

PROJECT SCOPE SUMMARY REPORT

To Document Relinquishment of Portions of SR 238, SR 92, & SR 185 in the City of Hayward

Route 238 (Industrial Pkwy to short of I-580/SR 238 Interchange)

Route 92 (Santa Clara Street to SR 92/SR 185/SR 238 Intersection)

Route 185 (SR 92/SR 185/SR 238 Intersection to Hayward City Limit)

I have reviewed the right of way information contained in this Project Scope Summary Report and the R/W Data Sheet attached hereto, and find the data to be complete, current, and accurate.



R. A. MACPHERSON, DEPUTY DISTRICT DIRECTOR - RIGHT OF WAY

APPROVAL RECOMMENDED:



VAL IGNACIO, PROJECT MANAGER



LEE TAUBENECK, DEPUTY DISTRICT DIRECTOR-
TRANSPORTATION PLANNING & LOCAL ASSISTANCE

APPROVED:



BIJAN SARTIPI, DISTRICT DIRECTOR

2-9-10

Date

04-ALA-238-PM 9.32/13.99

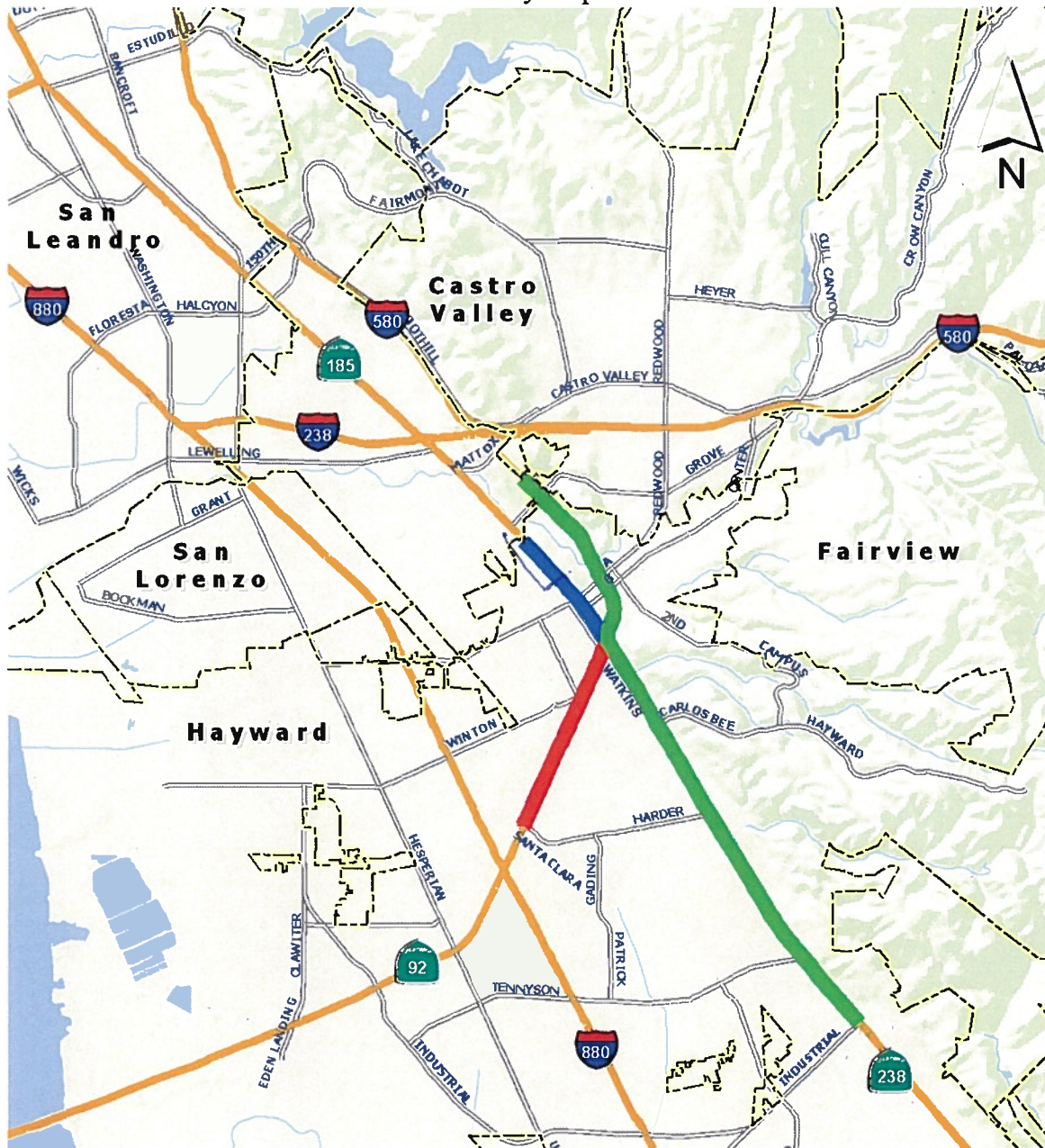
04-ALA-92-PM 6.78/8.22

04-ALA-185-PM 0.00/0.92




EA 0G240K

Jan/2010

Vicinity Map



Legend

Segment	Route	Length	Post Miles	Limits
	238	4.67 mi.	9.32 - 13.99	Industrial Pkwy to short of I-580/SR 238 I/C
	92	1.44 mi.	6.78 - 8.22	Santa Clara St. to SR 92/SR 185/SR 238 I/S
	185	0.92 mi.	0.00 - 0.92	SR 92/SR 185/SR 238 I/S to Hayward City Limit

04-ALA-238-PM 9.32/13.99

04-ALA-92-PM 6.78/8.22

04-ALA-184-PM 0.0/0.92

Jan/2010

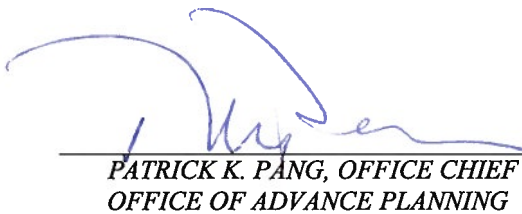
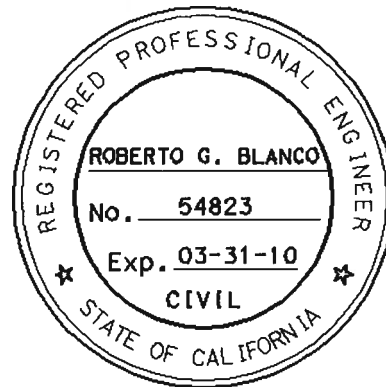
This Project Scope Summary Report has been prepared under the direction of the following Registered Engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.



ROBERTO BLANCO, REGISTERED CIVIL ENGINEER

1-27-10

DATE



*PATRICK K. PANG, OFFICE CHIEF
OFFICE OF ADVANCE PLANNING*

1/29/10

DATE

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1. INTRODUCTION AND BACKGROUND

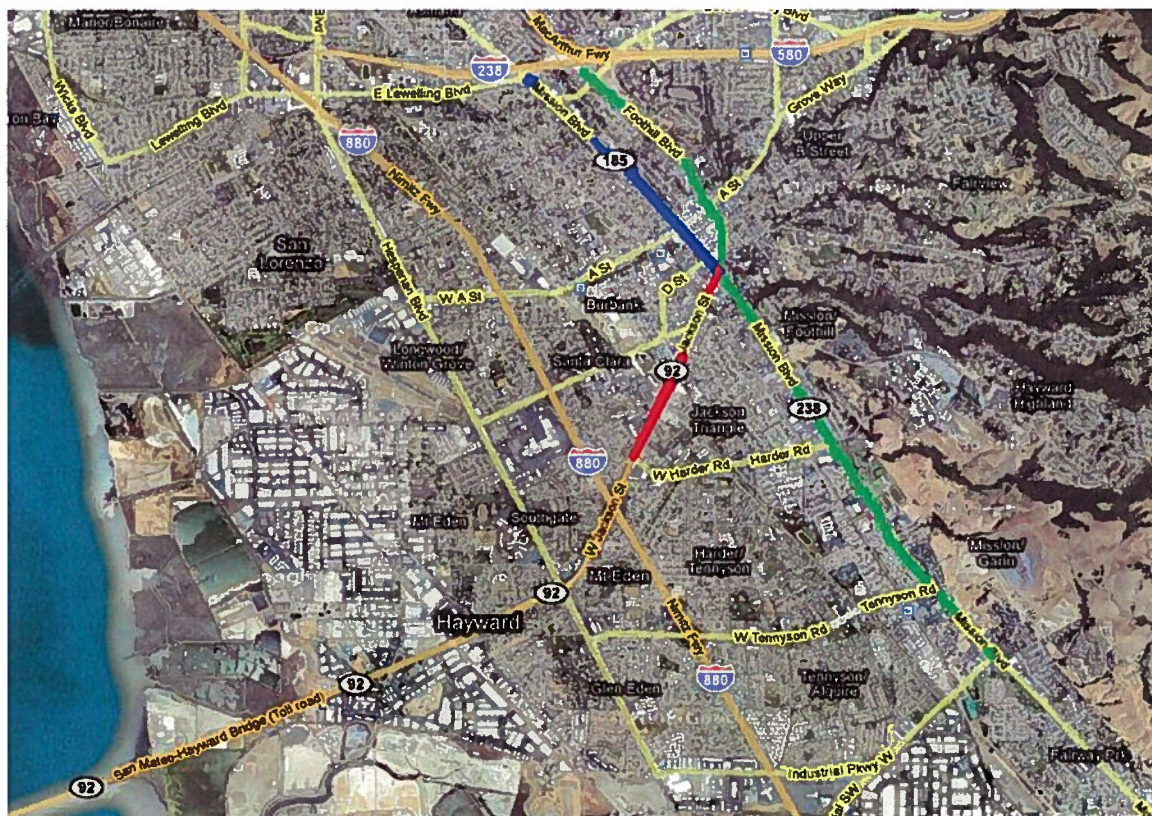
The California Department of Transportation (Department) proposes to relinquish to the City of Hayward (City) the following State Highway System (SHS) route segments within the City limits:

SR 238 – PM ALA 9.32 /13.99

SR 92 – PM ALA 6.78 / 8.22

SR 185 – PM ALA 0.00 / 0.92

Project Location Map



The total mileage proposed for relinquishment is 7.03 miles. These portions of the SHS are to be deleted from the SHS by legislative enactment of AB 1386 in accordance with Section 73 of the Streets and Highways Code.

The City of Hayward is located on the eastern shore of San Francisco Bay midway between the Cities of Oakland and San Jose. The route segments proposed for relinquishment served a largely agricultural area prior to 1960 and accommodated regional traffic. As the Hayward vicinity has urbanized, the routes have become mainly urban conventional arterials serving local travel demand.

There are no major projects planned as part of the State Transportation Improvement Program (STIP) for these State highway segments. Any future improvements would occur at the discretion and expense of the City. This relinquishment is to be at no cost to the State.

SR 238

The statutory description of SR 238 is as follows:

“from Route 680 in Fremont to Route 61 near San Lorenzo via Hayward.”

SR 238 is a conventional facility between I-680 and I-580 and operates as a freeway facility (as I-238) between I-580 and I-880. It is unconstructed between I-880 and (unconstructed) SR 61.

Plans developed in the 1940s and 1950s specified SR 238 as a freeway facility connecting I-680 and I-580. SR 238 was included in the Freeway and Expressway System in its entirety.

Prior to the re-numbering of many state route segments in the 1970s, the conventional portion of SR 238 was designated as SR 9 that extended from SR 1 in Santa Cruz to US 50 (now I-580). SR 9 served interregional and regional travel demand through mostly agricultural areas until the 1950s during which regional urbanization began to replace agriculture. As urban growth continued, SR 238 functioned as one of several major urban arterials serving local and some regional transportation demand.

The original state plan to expand SR 238 to a freeway/expressway facility between I-680 and I-580 progressed to acquisition of right-of-way needed to develop the I-238 Foothill Freeway. However, development of the facility never took place. In 1986 voters approved Alameda County Measure B that included the project to construct the “Hayward Bypass” east of downtown Hayward to Industrial Parkway, intersecting diagonally with the existing SR 238 facility near that local arterial. Legal action was taken against the project resulting in court adjudication. Resolution of this matter included development of the Local Alternative Transportation Improvement Program (LATIP) for Central Alameda County. Revenue from the sale of surplus state property acquired for the Foothill Freeway is to fund the LATIP.

The City has developed plans to modify conventional SR 238 in order to facilitate traffic flow. The modification includes items that do not adhere to state standards. In light of this, the City submitted a request to the Department to relinquish SR 238 to local ownership and operation. The State supports this relinquishment. The City also has agreed to accept the relinquishment of SR 92 and SR 185 as specified and intends to utilize funding from the approved LATIP to make necessary improvements to these routes.

SR 92

The statutory description of SR 92 is as follows:

“(a) from Route 1 near Half Moon Bay to Route 280

(b) from Route 280 to Route 580 near Hayward and Castro Valley”

Earlier statutory language described SR 92 as extending beyond I-580 to I-680 near San Ramon. The segment of SR 92 to I-680 has been statutorily deleted. Currently SR 92 extends from SR 1 to I-280 where it transitions to a freeway facility. It traverses San Francisco Bay via the San Mateo Bridge that extends between the Cities of San Mateo and Hayward. SR 92 continues as a freeway facility to I-880 where it transitions to a conventional arterial, serving local and some regional travel demand. It continues to the intersection of SR 92, SR 185, and SR 238 where it terminates as a constructed facility. SR 92 has remained unconstructed to I-580.

SR 185

The statutory description of SR 185 is as follows:

“from Route 92 in Hayward to Route 77 in Oakland”

SR 185 is an urban conventional facility that extends from the City of Hayward to the City of Oakland, terminating at SR 77 that intersects with I-880 less than one mile to the west. Prior to the construction of I-880, E. 14th St. (now International Blvd. in Oakland) and Mission Blvd. comprised the single major north-south arterial between what is now the City of Fremont and the City of Oakland, a distance of approximately 30 miles. SR 185 now serves local travel demand.

2. PURPOSE AND NEED

The relinquishment of the specified segments of SR 238, SR 92, and SR 185 within the City of Hayward will achieve the following objectives:

- ♦ Implement legislative relinquishment in Assembly Bill 1386 (AB1386) which was introduced by Assembly Member Hayashi on February 27, 2009.
- ♦ Eliminate State costs related to maintenance, operations and tort liability connected with ownership and operation of the specified segments.
- ♦ Expedite the delivery of future improvements in the City that will occur at the discretion of the City.
- ♦ Develop a more cost-effective State highway system that provides improved connectivity and mobility of region-to-region and statewide to-and-through movement of people and goods.

Relinquishment of these route segments is desired by the State as retaining these facilities in the SHS is not compatible with the Department mission to provide for the interregional and regional movement of people and goods.

3. CORRIDOR AND SYSTEM ANALYSIS

The mission of the State Highway System is to accommodate interregional and regional movement of people and goods. Its primary focus is to satisfy long-distance mobility needs as opposed to providing access to, among other items, smaller local arterials and individual residential and commercial properties. The State developed legislation in the mid 1990s that specified a two-tier State Highway System including a “primary system” – consisting of route segments that were deemed critical to interregional and regional travel – and a “secondary system” consisting of all remaining route segments. The legislation, reflecting the Department’s evaluation of needed highway facilities, was never enacted. However, the Department continues to rely on the two-tier scheme developed for the legislation in evaluating highway segments proposed for relinquishment. The three route segments

discussed in this document are not critical to interregional and regional travel and are included in the secondary system list.

The District has developed a relinquishment candidate list that includes the three route segments proposed for relinquishment by the City of Hayward.

SR 238

Basis for Relinquishment

SR 238 is functionally classified as an Urban Primary Arterial. It is divided into two segments including the conventional portion of SR 238, between I-680 and I-580, and I-238 between I-580 and I-880. The conventional portion includes the segment proposed for relinquishment. Historically SR 238 constituted a portion of the original SR 9 that extended from Santa Cruz to Hayward thus serving as an interregional route that connected the San Francisco and Monterey Bay Areas. As the East Bay sub-region has urbanized and SR 238 and local arterials parallel to the facility have been developed and improved, the value of SR 238 to the State as a component of the State Highway System, that serves interregional and regional travel demand, has lessened appreciably. Additionally, SR 238, as a conventional highway facility with unlimited vehicular access, is of limited value with respect to the efficient through-movement of people and goods. Relinquishment of this portion of SR 238 will not adversely affect through movement of people and goods as I-880, paralleling SR 238 approximately four miles to the west, serves as the critical Interstate link serving regional and interregional travel demand and providing port access.

SR 92

Basis for Relinquishment

SR 92 is functionally classified as an Urban Primary Arterial. The conventional portion of SR 92 east of I-880, that accesses downtown Hayward, serves mainly local and some regional travel demand. It is included on both HQ and District lists as a candidate for relinquishment to local ownership and operation. Relinquishment of this portion of SR 92 will not adversely affect through movement of people and goods in the region.

SR 185

Basis for Relinquishment

SR 185 is functionally classified as an Urban Primary Arterial. It extends from the intersection of SR 92 and SR 238 in Hayward to I-880 in Oakland and parallels I-580 and I-880 for approximately 10 miles. A portion of the route is proposed for implementation of Bus Rapid Transit. As SR 185 serves primarily local travel demand, it is included on both HQ and District lists as a candidate for relinquishment to local ownership and operation. Relinquishment of this portion of SR 185 will not adversely affect through movement of people and goods in the region.

4. RIGHT OF WAY

Right-of-Way maps for Phase 1 of the proposed relinquishment are included in this report (See Appendix). The maps show the limits of the right-of-way to be relinquished. There is no need for acquisition of additional right-of-way. Phase 2 Right-of-Way maps will be available approximately September 2012. Upon completion of the Route 238 Corridor Improvement Project or the Route 92/I-880 Interchange Project, whichever occurs later, a Supplemental PSSR may be necessary.

5. ENVIRONMENTAL DETERMINATION/DOCUMENT

This project has been determined to be in compliance with the requirements of a Categorical Exemption (CE) under the California Environmental Quality Act (CEQA).

6. FEDERAL COORDINATION

No federal-aid funding anticipated and no FHWA action required for this project.

7. FUNDING/SCHEDULING

The proposed relinquishment is at no cost to the State. Section 73 of the Streets & Highways Code does not require that a state highway be relinquished in a state of good repair when it is deleted by legislation. The City of Hayward has been informed that this relinquishment action is specified as a no-cost relinquishment by the State, however Caltrans would support the use of LATIP funds if approved by the other parties involved in the development of the LATIP to make needed improvements to these routes.

The Department expects to present this proposal to the California Transportation Commission (CTC) by the first quarter of 2010 with concurrence from the City of Hayward. Following CTC approval, the CTC resolution will be recorded in the Alameda County Recorder's Office. This will enable transfer of the relinquished right-of-way to the City.

The Department and the City agreed upon on the following timing of relinquishments:

- Phase 1 of this relinquishment will include SR 238 from Industrial Parkway to just short of the I-580/SR 238 interchange (NB SR238 onramp), SR 92 from Watkins Street to Foothill Boulevard, and SR 185 from Foothill Boulevard to A Street. The City of Hayward will subsequently complete a Corridor Improvement Project (See Attachment A). Phase 1 is to be completed prior to award of City's Route 238 Corridor Improvement Project.
- Phase 2 of the relinquishment will include SR 92 from Santa Clara Street to Watkins Street, and SR 185 from A Street to Hayward City Limit. Phase 2 is to be completed after the City's completion of the Route 238 Corridor Improvement Project or the Department's Route 92/880 Interchange Modification in Hayward, whichever occurs later.

- The relinquishment of the remainder of SR 238 (Industrial Parkway south to the Hayward City Limit) will be subject to future relinquishment discussion, and is not addressed in AB 1386.

Target Schedule and Completed Tasks

Date	Task
6/17/2008	Hayward City Resolution to engage Caltrans in relinquishment agreement
2/23/2009	City of Hayward submits Relinquishment Legislation
9/16/2009	Environmental Clearance Complete
1/2010	PSSR/CE documenting Relinquishment Complete (Phase 1)
1/2010	Right of Way Mapping Phase 1 Complete
1/1/2010	Effective Date Legislation (AB 1386)
2/2010	Caltrans HQ Prepares Agenda/Book Item
4/2010	CTC Approval
4/2010	Recording w/County (<i>Phase I Relinquishment Complete</i>)
5/2010	City Begins Construction on Corridor Improvement Plan (CIP)
9/2012	Right of way Mapping Phase 2 Complete
12/2012	238 Corridor Improvement Project Construction Completed in 2012/Route 92-880 Interchange Completed in 2011
12/2012	Caltrans HQ Prepares Agenda/Book Item
5/2013	CTC Approval & Recording w/County (<i>Phase II Relinquishment Complete</i>)

8. RECOMMENDATION

The relinquishment described in this PSSR is in compliance with Assembly Bill 1386. It is requested that this PSSR be approved to document the Department's decision on the terms of relinquishment between the Department and the City of Hayward.

9. ATTACHMENTS

- City of Hayward Corridor Improvement Project
- Hayward City Council Resolution
- Assembly Bill 1386
- Letters of Correspondence
- Right of Way Maps (Phase 1)
- Right of Way Data Sheets
- Categorical Exemption

ATTACHMENT A

City of Hayward Corridor Improvement Project, excerpt from City's FEIR



ROUTE 238 CORRIDOR IMPROVEMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT DESCRIPTION

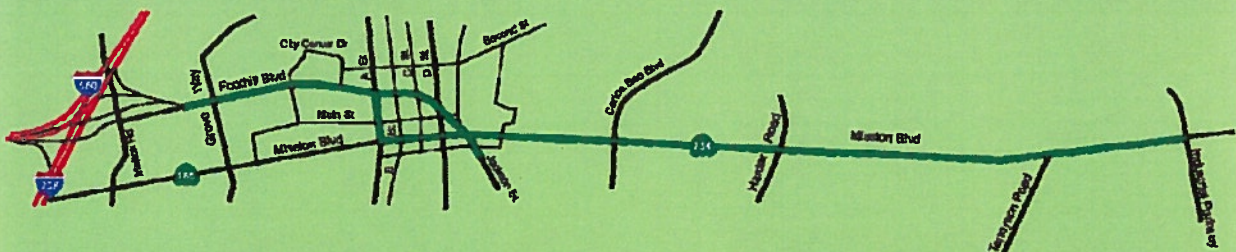
The Route 238 Corridor Improvement Project includes a number of features that are designed to relieve traffic congestion and improve traffic flow in the corridor. The project limits are from Foothill Boulevard at the City limits in the north to Mission Boulevard/Industrial Parkway in the south. The major project component is a mini-loop concept, which consists of one-way traffic on Foothill Boulevard, A Street, and Mission Boulevard in the downtown area only. The project also provides significant improvements for pedestrians and bicyclists. Foothill Boulevard will include 14-foot sidewalks as well as a bike lane on the east side of Foothill. During peak hours, Foothill Boulevard will include four lanes in each direction north of City Center Drive by converting the parking lane into a travel lane. New sidewalks will also be constructed along Foothill Boulevard and Mission Boulevard. South of Mission-Foothill-Jackson, the major improvement will be a spot widening at Mission-Carlos Bee that will provide better access to California State University. Access improvements will also be constructed at Mission-Berry and at Mission Boulevard at the Moreau High School Driveway. The project included in the FEIR eliminates the grade separations at Mission-Foothill-Jackson and at Jackson-Watkins as well as most of the peak-hour parking restrictions on Mission Boulevard.



◀ Jackson Street
looking east



Foothill Blvd.
looking west ▶



◀ Foothill Blvd.
looking north



D/Foothill
looking west ▶

ATTACHMENT B
Hayward City Council Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-088

Introduced by Council Member Henson

RESOLUTION REQUESTING THAT CALTRANS
INITIATE THE PROCESS TO RELINQUISH PORTIONS
OF STATE ROUTES 238, 92, AND 185 IN THE CITY OF
HAYWARD AND AUTHORIZING THE CITY
MANAGER TO NEGOTIATE AND EXECUTE ALL
DOCUMENTS NECESSARY TO EFFECTUATE THE
RELINQUISHMENT OF THE STATE ROUTES

WHEREAS, on November 27, 2007, the City Council of the City of Hayward certified the final Environmental Impact Report (the "FEIR") for the Route 238 Corridor Improvement Project (the "Project") and approved the Project; and

WHEREAS, the FEIR determined that the Project is not capable of being constructed according to Caltrans standards, and, therefore, the state highways located within the City's jurisdictional boundaries must be relinquished by Caltrans in order for the Project to be completed, which state highways include portions of State Routes 238, 92, and 185; and

WHEREAS, City staff and Caltrans staff have had preliminary discussions to identify the most cost effective and efficient method for the relinquishment of said state highways; and

WHEREAS, it is imperative to initiate the process of relinquishment as soon as possible in order to have all the necessary segments of the state highways relinquished prior to the construction of the Project.

BE IT RESOLVED by the City Council of the City of Hayward that Caltrans is hereby requested to initiate the process of relinquishment of those portions of State Routes 238, 92, and 185 within the jurisdiction of the City and that the City Manager is hereby authorized and directed to negotiate and execute all documents necessary to effectuate the relinquishment of the said state routes, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA June 17, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
MAYOR: Sweeney

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: *Angeline Reyes*
City Clerk of the City of Hayward

APPROVED AS TO FORM:

[Signature]
City Attorney of the City of Hayward

ATTACHMENT C
Assembly Bill 1386

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend Sections 14528.5 and 14528.55 of the Government Code, and to amend Sections 392, 485, and 538 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Hayashi. State highways.

Existing law authorizes a city or county in which a planned transportation facility was to be located on State Highway Route 238 in Alameda County to develop and file with the California Transportation Commission a local alternative transportation program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state facility in order to fund the local alternative program, but limits the use of revenues from excess property sales to state highway purposes. Existing law provides that the commission may not approve a local alternative program under these provisions after July 1, 2010. Similar provisions apply to State Highway Route 84 in the Cities of Fremont and Union City, except that the use of revenues from excess property sales in that corridor are limited to state highway purposes or projects in the local voter-approved transportation sales tax measure.

This bill would modify the restriction limiting use of revenues from excess property sales to state highway purposes applicable to State Highway Route 238 by authorizing those revenues to be used for any highway purpose. This bill would require revenues from excess property sales for State Highway Route 238 and State Highway Route 84 to be deposited into separate accounts in the Special Deposit Fund, a continuously appropriated fund, to be available for expenditure by local agencies for purposes of an approved local alternative transportation program for the applicable corridor route. The bill would thereby make an appropriation.

Existing law provides for state highways to be constructed, as determined by the California Transportation Commission, on routes authorized by law. Existing law provides for relinquishment by the commission of state highways to local agencies under certain conditions.

This bill would authorize the commission to relinquish portions of State Highway Routes 92, 185, and 238 in the City of Hayward to that city subject to various conditions.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14528.5 of the Government Code is
- 2 amended to read:
- 3 14528.5. (a) To resolve local transportation problems resulting
- 4 from the infeasibility of planned state transportation facilities on
- 5 State Highway Route 238 in the City of Hayward and Alameda
- 6 County, the city or county in which the planned facilities were to
- 7 be located, acting jointly with the transportation planning agency
- 8 having jurisdiction over the city or county, may develop and file
- 9 with the commission a local alternative transportation improvement
- 10 program that addresses transportation problems and opportunities
- 11 in the county which were to be served by the planned facilities.
- 12 Priorities for funding in the local alternative program shall go to
- 13 projects in the local voter-approved transportation sales tax
- 14 measure.
- 15 (b) The commission shall have the final authority regarding the
- 16 content and approval of the local alternative transportation
- 17 improvement program. The commission shall not approve any

1 local alternative transportation improvement program submitted
2 under this section after July 1, 2010.

3 (c) All proceeds from the sale of the excess properties, less any
4 reimbursements due to the federal government and all costs
5 incurred in the sale of those excess properties, shall be allocated
6 by the commission to fund the approved local alternative
7 transportation improvement program and shall not be subject to
8 Sections 188 and 188.8 of the Streets and Highways Code. The
9 proceeds shall be used only for highway purposes.

10 (d) (1) The department shall maintain a separate account in the
11 state's Special Deposit Fund for the deposit of funds derived from
12 the sale of excess properties pursuant to subdivision (c). All
13 proceeds received by the department from the sale of those excess
14 properties that are available pursuant to subdivision (c) for the
15 local alternative transportation improvement program, less
16 reimbursement for costs incurred by the department for fund
17 administration, shall be deposited in the account, along with all
18 interest earnings generated by funds in the account.

19 (2) Funds in the account shall be available for expenditure by
20 local agencies for projects designated in the local alternative
21 transportation improvement program approved by the commission
22 pursuant to this section.

23 (e) This section does not apply to those highways that are in the
24 National System of Interstate and Defense Highways.

25 (f) This section applies only to State Highway Route 238.

26 (g) Section 14528.8 does not apply to projects undertaken
27 pursuant to this section.

28 SEC. 2. Section 14528.55 of the Government Code is amended
29 to read:

30 14528.55. (a) To resolve local transportation problems
31 resulting from the infeasibility of planned state transportation
32 facilities on State Highway Route 84 in the Cities of Fremont and
33 Union City, the cities or the county in which the planned facilities
34 were to be located, acting jointly with the transportation planning
35 agency having jurisdiction over the cities or county, may develop
36 and file with the commission a local alternative transportation
37 improvement program that addresses transportation problems and
38 opportunities in the county that were to be served by the planned
39 facilities. Priorities for funding in the local alternative program

1 shall go to projects in the local voter-approved transportation sales
2 tax measure.

3 (b) The commission shall have the final authority regarding the
4 content and approval of the local alternative transportation
5 improvement program. The commission shall not approve any
6 local alternative transportation improvement program submitted
7 under this section after July 1, 2010.

8 (c) All proceeds from the sale of the excess properties, less any
9 reimbursements due to the federal government and all costs
10 incurred in the sale of those excess properties, shall be allocated
11 by the commission to fund the approved local alternative
12 transportation improvement program and shall not be subject to
13 Sections 188 and 188.8 of the Streets and Highways Code. The
14 proceeds shall be used only for state highway purposes or for
15 projects in the local alternative transportation improvement
16 program that are also in the local voter-approved transportation
17 sales tax measure, subject to approval by the department.

18 (d) (1) The department shall maintain a separate account in the
19 state's Special Deposit Fund for the deposit of funds derived from
20 the sale of excess properties pursuant to subdivision (c). All
21 proceeds received by the department from the sale of those excess
22 properties that are available pursuant to subdivision (c) for the
23 local alternative transportation improvement program, less
24 reimbursement for costs incurred by the department for fund
25 administration, shall be deposited in the account, along with all
26 interest earnings generated by funds in the account.

27 (2) Funds in the account shall be available for expenditure by
28 local agencies for projects designated in the local alternative
29 transportation improvement program approved by the commission
30 pursuant to this section.

31 (e) This section does not apply to those highways that are in the
32 National System of Interstate and Defense Highways.

33 (f) This section only applies to State Highway Route 84.

34 (g) Section 14528.8 does not apply to projects undertaken
35 pursuant to this section.

36 SEC. 3. Section 392 of the Streets and Highways Code is
37 amended to read:

38 392. (a) Route 92 is from:

39 (1) Route 1 near Half Moon Bay to Route 280.

40 (2) Route 280 to Route 580 near Castro Valley and Hayward.

1 (b) (1) The commission may relinquish to the City of Hayward
2 the portion of Route 92 located within the city limits of that city,
3 upon terms and conditions the commission finds to be in the best
4 interests of the state, *if the department and the city enter into an*
5 *agreement providing for that relinquishment.*

6 (2) A relinquishment under this subdivision shall become
7 effective immediately after the county recorder's recordation of
8 the relinquishment resolution containing the commission's approval
9 of the terms and conditions of the relinquishment.

10 (3) On and after the effective date of the relinquishment, both
11 of the following shall occur:

12 (A) The portion of Route 92 relinquished shall cease to be a
13 state highway.

14 (B) The portion of Route 92 relinquished shall be ineligible for
15 future adoption under Section 81.

16 (4) For relinquished portions of Route 92, the City of Hayward
17 shall maintain signs within its jurisdiction directing motorists to
18 the continuation of Route 92 or to the state highway system, as
19 applicable.

20 SEC. 4. Section 485 of the Streets and Highways Code is
21 amended to read:

22 485. (a) Route 185 is from Route 92 in Hayward to Route 77
23 in Oakland.

24 (b) (1) The commission may relinquish to the City of Hayward
25 the portion of Route 185 located within the city limits of that city,
26 upon terms and conditions the commission finds to be in the best
27 interests of the state, *if the department and the city enter into an*
28 *agreement providing for that relinquishment.*

29 (2) A relinquishment under this subdivision shall become
30 effective immediately after the county recorder's recordation of
31 the relinquishment resolution containing the commission's approval
32 of the terms and conditions of the relinquishment.

33 (3) On and after the effective date of the relinquishment, both
34 of the following shall occur:

35 (A) The portion of Route 185 relinquished shall cease to be a
36 state highway.

37 (B) The portion of Route 185 relinquished shall be ineligible
38 for future adoption under Section 81.

39 (4) For relinquished portions of Route 185, the City of Hayward
40 shall maintain signs within its jurisdiction directing motorists to

1 the continuation of Route 185 or to the state highway system, as
2 applicable.

3 SEC. 5. Section 538 of the Streets and Highways Code is
4 amended to read:

5 538. (a) Route 238 is from Route 680 in Fremont to Route 61
6 near San Lorenzo via Hayward.

7 (b) (1) The commission may relinquish to the City of Hayward
8 the portion of Route 238 located within the city limits of that city,
9 upon terms and conditions the commission finds to be in the best
10 interests of the state, *if the department and the city enter into an*
11 *agreement providing for that relinquishment.*

12 (2) A relinquishment under this subdivision shall become
13 effective immediately after the county recorder's recordation of
14 the relinquishment resolution containing the commission's approval
15 of the terms and conditions of the relinquishment.

16 (3) On and after the effective date of the relinquishment, both
17 of the following shall occur:

18 (A) The portion of Route 238 relinquished shall cease to be a
19 state highway.

20 (B) The portion of Route 238 relinquished shall be ineligible
21 for future adoption under Section 81.

22 (4) For relinquished portions of Route 238, the City of Hayward
23 shall maintain signs within its jurisdiction directing motorists to
24 the continuation of Route 238 or to the state highway system, as
25 applicable.

ATTACHMENT D
Correspondence



May 14, 2008

Bijan Sartipi, District Director
Department of Transportation
111 Grand Avenue
Oakland, CA 94623-0660

05-19-08A10:08 RCVD

Dear Bijan,

Thank you for our recent meeting related to the relinquishment issues that involve the City of Hayward and our pending Route 238 Corridor Improvement Project. As we discussed, the City continues to have concerns over the magnitude of the relinquishment that Caltrans is seeking as compared to the City's abilities to reconstruct and/or maintain the sections being considered. This letter seeks to clarify the City's understanding of where we are in terms of reaching agreement.

The City and Caltrans agree that:

- The entirety of the roadways incorporated into the approved Route 238 Corridor Improvement Project will be relinquished to the City as soon as possible but certainly before start of construction, and the City and Caltrans will begin whatever actions are necessary to complete the relinquishment process.
- The parties will discuss relinquishment of the remaining southern portion of Route 238 beyond Industrial Parkway within the City limits of Hayward at a future time.
- Route 92 from Santa Clara to Route 238 relinquishment will occur after completion of the Route 238 improvements or the Route 92/I-880 interchange, whichever occurs later.

Remaining in question is the timing of the relinquishment of the section of Route 185 from downtown at "A" Street, North to the City limits of Hayward. This section remains problematic for the City due to its current poor condition, and the funding needed to bring it to an improved condition prior to relinquishment.

I would like to propose the City and Caltrans agree to evaluate relinquishment of this portion of Route 185 upon the receipt of bids for the Route 238 Corridor Improvement Project. If funding from that project is sufficient to support a project change order to include the reconstruction of this Northerly portion of Route 185, and all legal and political parties agree to this change, the City would gladly undertake the responsibility to ensure the improvements are made and take possession of this segment of Route 185.

Office of the City Manager

777 B Street • Hayward • CA • 94541-5007
Tel: 510-583-4300 • Fax: 510-583-3601 • Website: www.hayward-ca.gov

Bijan Sartipi
Relinquishment Agreement
May 14, 2008
Page 2 of 2

The City looks forward to further understanding the relinquishment process and the City's required actions to bring it to conclusion. Upon your concurrence with the above approach, we will make a positive recommendation to our City Council to complete the process related to the Route 238 Corridor Improvement Project relinquishment as soon as practicable.

Sincerely,


Greg Jones
City Manager

Sent 6/11/08 f.

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY 711

file



*Flex your power!
Be energy efficient!*

June 11, 2008

Greg Jones
City Manager, City of Hayward
777 B Street
Hayward, CA 94541

Dear Mr. Jones:

This is in response to your letter dated May 14, 2008 regarding the relinquishment of Routes 92, 185, and 238 within the Hayward City limits.

The Department is in agreement with the limits and timing of the relinquishments of State Route 238 and State Route 92 as documented in your letter and listed below:

- 1 The entirety of the roadways incorporated into the approved Route 238 Corridor Improvement Project will be relinquished to the City as soon as possible and prior to the start of construction, and the City and Caltrans will begin whatever actions are necessary to complete the relinquishment process.
- 2 The parties will continue discussion of the relinquishment of the remaining southern portion of Route 238 beyond Industrial Parkway within the City limits of Hayward.
- 3 Route 92 from Santa Clara to Route 238 relinquishment will occur after completion of the Route 238 Corridor Improvement Project or the Route 92/I-880 interchange, whichever occurs later.

However, the Department does not agree with the City's proposal in regards to the relinquishment of State Route 185 within the City of Hayward. As discussed in our May 5, 2008 meeting, the timing of relinquishment of this section should take place after construction of the Route 238 Corridor Improvement Project by the City. It should be noted that the terms of the relinquishment of State Route 185 were agreed to by the City since the inception of the Route 238 Corridor Improvement Project and documented in the Draft Environmental Document that was released in March 2007 by the City for the project.

Mr. Greg Jones
June 10, 2008
Page 2

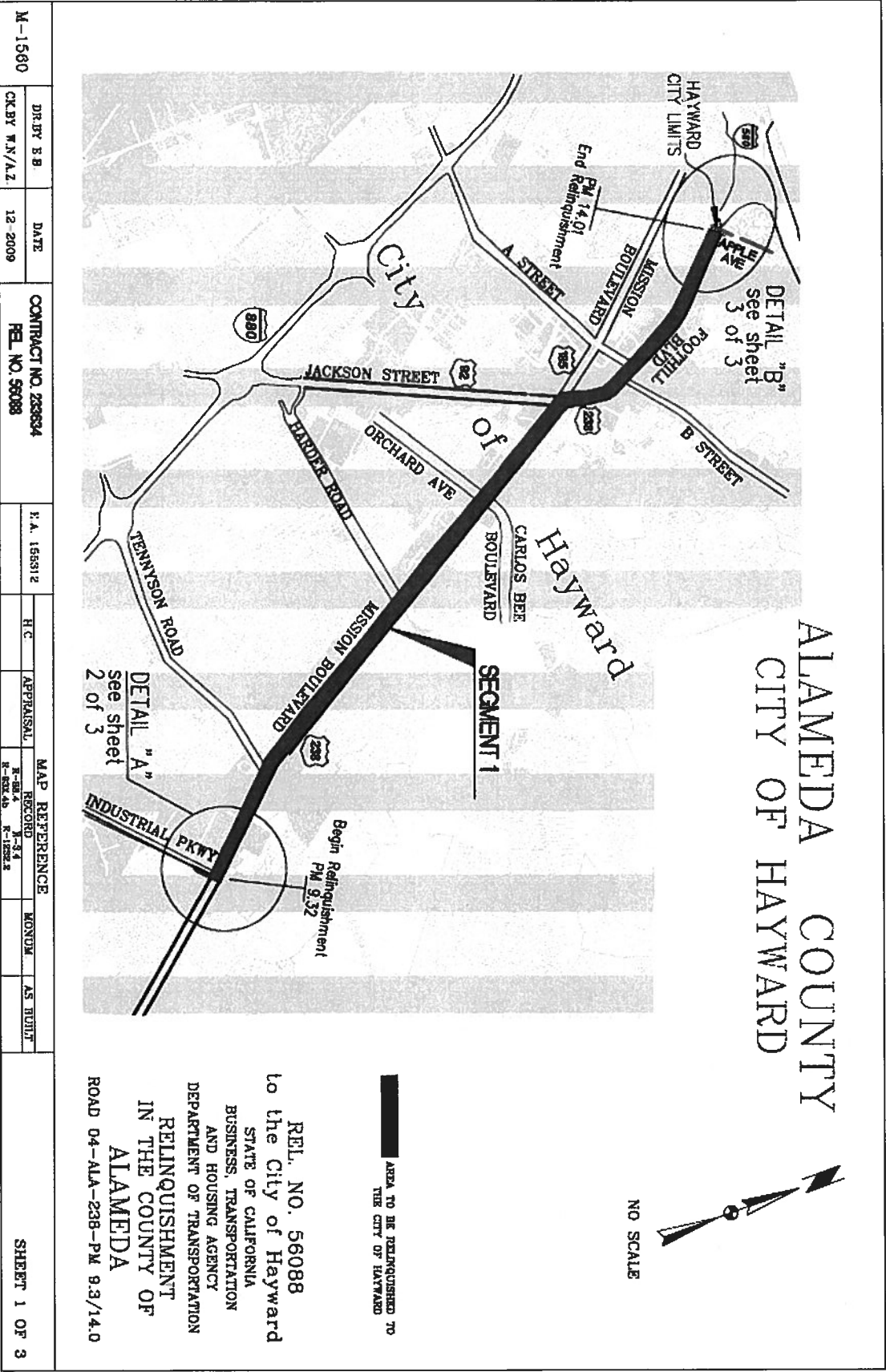
It is my understanding that our staff is currently conversing with the City about the relinquishment process. We look forward to the completion of the Corridor Improvement Project and future projects with the City of Hayward. If you have any further questions or concerns, please call Mark Zabaneh, District Division Chief - Project Management East, at (510) 622-1717.

Sincerely,

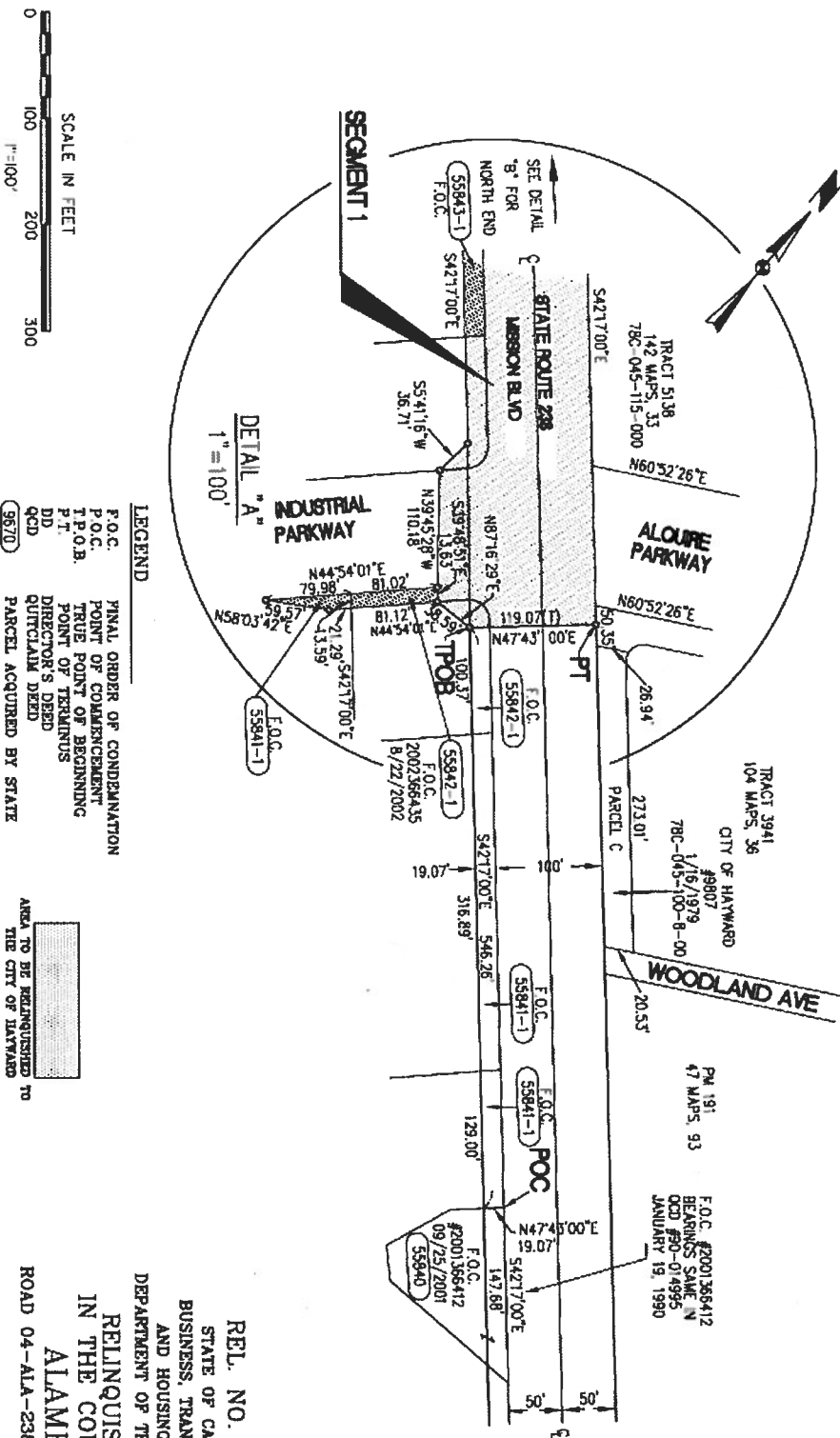


BRIAN SARTIP
District Director

ATTACHMENT E
Right of Way Maps (Phase 1)



ALAMEDA COUNTY CITY OF HAYWARD



M-1560	DRBY E.B.	DATE	CONTRACT NO. 238334	REL. NO. 56088	E.A. 193312	H.C.	APPROVAL	MAP REFERENCE	MONUM.	AS BUILT	SHEET 2 OF 3
	CKBY W.N./A.Z.	12-2009						R-1232.2			

LEGEND

P.O.C. FINAL ORDER OF CONDEMNATION
P.O.B. POINT OF BEGINNING
T.P.O.B. TRUE POINT OF BEGINNING
P.T. POINT OF TERMINUS
D.D. DIRECTOR'S DEED
Q.C.D. QUITCLAIM DEED
(96/70) PARCEL ACQUIRED BY STATE

AREA TO BE RELINQUISHED TO
THE CITY OF HAYWARD

REL. NO. 56088
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
RELINQUISHMENT
IN THE COUNTY OF
ALAMEDA
ROAD 04-ALA-238-PM 9.3/14.0

ALAMEDA COUNTY
CITY OF HAYWARD

STATE OF CALIFORNIA
(23983)
REL. 2090, M. 241
12/11/1967

SEGMENT 1

DETAIL "B"
1"=100'

LEGEND

- C CENTERLINE
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- PT. POINT OF TERMINUS
- DD. DIRECTOR'S DEED
- PARCEL ACQUIRED BY STATE

MAP REFERENCE

E.A. 185312	H.C.	APPRAISAL	MAP RECORD	MONUM.	AS BUILT
			3-86.4		
			3-882.4		

REL. NO. 56088
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
RELINQUISHMENT
IN THE COUNTY OF
ALAMEDA
ROAD 04-ALA-238-PM 9.3/14.0

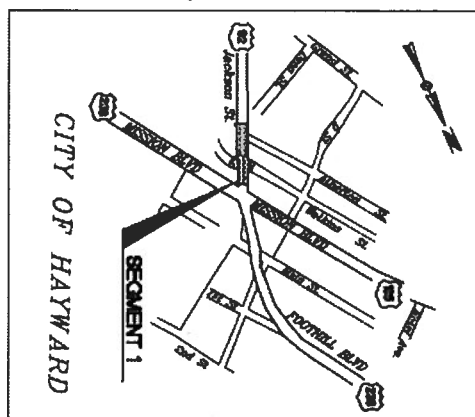
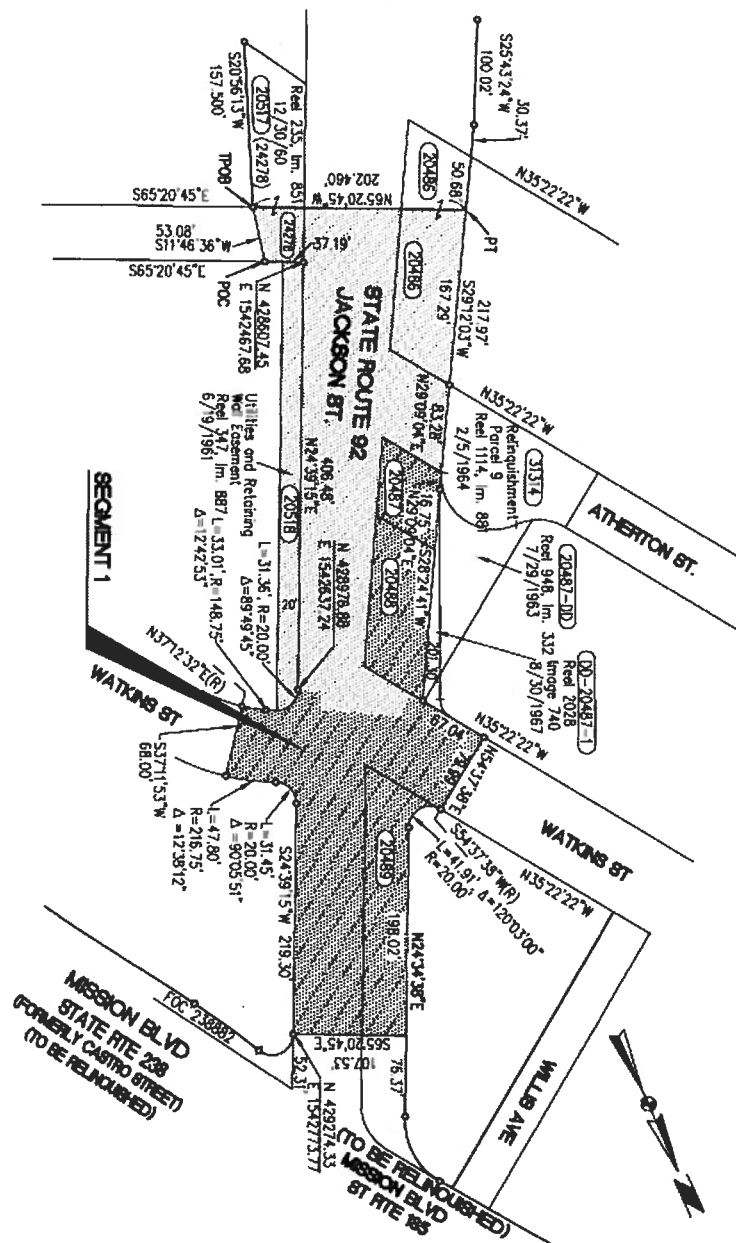
DR BY E.B.
DATE
12-2009
CONTRACT NO. 239834
REL. NO. 56088

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0 100 200 300
1"=100'

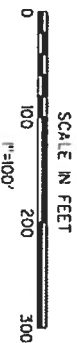
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STATE ROUTE 228 (FOOTHILL BLVD)
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COORDINATES, BEARINGS AND DISTANCES SHOWN
ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927
ZONE 11L. MULTIPLY DISTANCES SHOWN BY 1.0000692
TO OBTAIN GROUND LEVEL DISTANCES

ALAMEDA COUNTY CITY OF HAYWARD



VICINITY MAP
NO SCALE



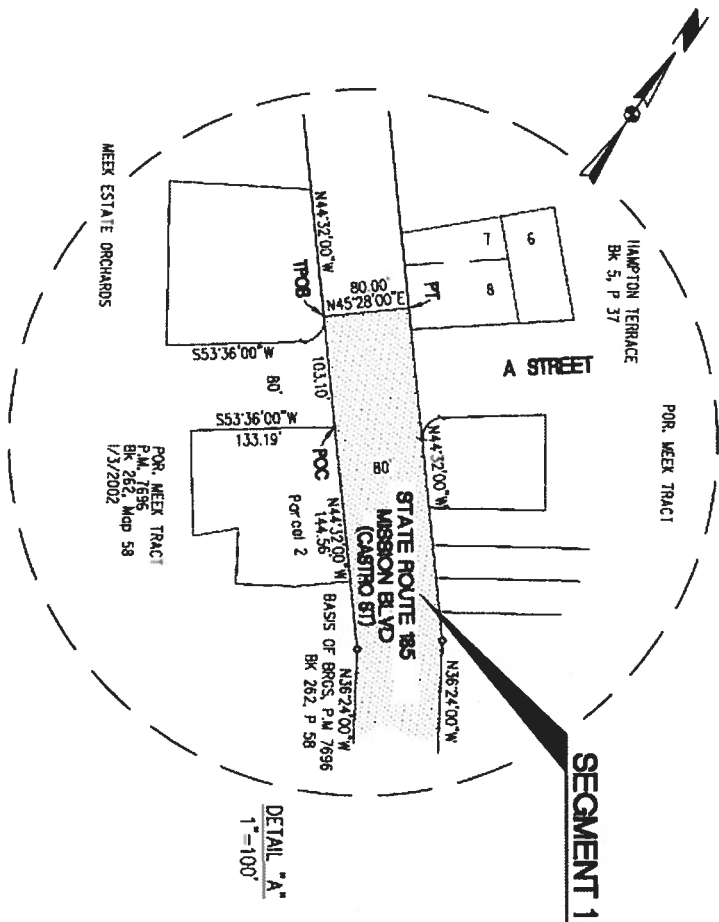
LEGEND
POC POINT OF COMMENCEMENT
TPOB TRUE POINT OF BEGINNING
PT POINT OF TERMINUS
DD DIRECTOR'S DEED

AREA TO BE RELINQUISHED TO
THE CITY OF HAYWARD

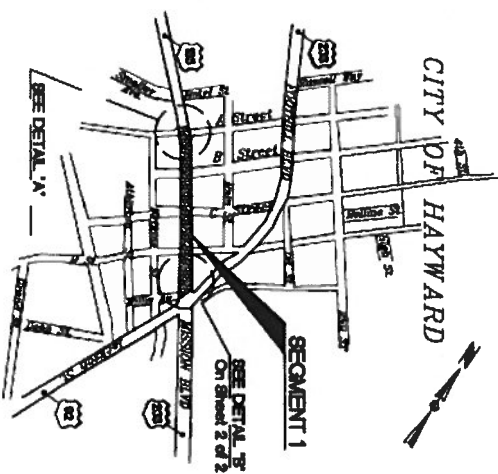
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	CLERK W.N./A.Z.	11-2009	REL. NO. 56089				R-9718				

REL. NO. 56089
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
RELINQUISHMENT
IN THE COUNTY OF
ALAMEDA
ROAD 04-ALA-92-PM 8.1/8.2

ALAMEDA COUNTY CITY OF HAYWARD



DETAIL "A"
1"=100'



VICINITY MAP
NO SCALE

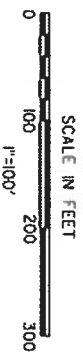
LEGEND

POC	POINT OF COMMENCEMENT
T.P.O.B	TRUE POINT OF BEGINNING
DD	DIRECTOR'S DEED
PT	POINT OF TERMINUS

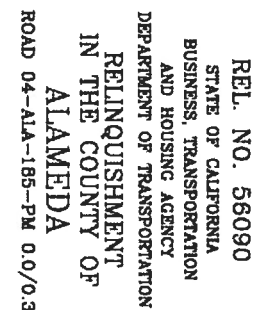


REL. NO. 56090
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
RELINQUISHMENT
IN THE COUNTY OF
ALAMEDA
ROAD 04-ALA-185-PM 0.0/0.3

M-1559	DR BY E.B.	DATE	CONTRACT NO. 233634	E.A. 155312	H.C.	APPRAISAL	MAP REFERENCE	MONUM.	AS BUILT	SHEET 1 OF 2
	CK BY W.N./A.Z.	12-2009	REL. NO. 56090				RECORD R-34			



SEGMENT 1



M-1559	DRBY E.B.	DATE	CONTRACT NO. 230894		E.A. 155812		MAP REFERENCE		SHEET 2 OF 2
	CKBY W.N./A.Z.	12-2009	REL. NO. 56060		H.C.	APPRaisal	RECORD	MONITOR	
							R-34	AS BUILT	

ATTACHMENT F
Right of Way Data Sheets

Exhibit 01-01-01
EA: 0G240K
Page 1 of 5

RIGHT OF WAY DATA SHEET

TO: Office of System and Regional Planning Date 9/17/09 D.S. # 5663
Dist 04 Co Ala Rte Var PM Var

ATTN: Malcolm Gilmour

EA 04-0G240K

Project Description: Relinquishment of Segments
Of State Routes in City of Hayward

SUBJECT: Right of Way Data – Alternate No.

1. Right of Way Cost Estimate:

	Current Value (Future Use)	Escalation Rate	Escalated Value
A. Acquisition, including Excess Lands, Damages, and Goodwill.	\$ <u>0.00</u>	%	\$ <u>0.00</u>
Project Permit Fees			\$ <u>0.00</u>
Grantor's Appraisal Cost			\$ <u>0.00</u>
B. Utility Relocation (State Share)	\$ <u>0.00</u>	%	\$ <u>0.00</u>
C. Railroad (Service Contract)			\$ <u>0.00</u>
D. Relocation Assistance	\$ <u>0.00</u>	%	\$ <u>0.00</u>
E. Clearance/Demolition	\$ <u>0.00</u>	%	\$ <u>0.00</u>
F. Title and Escrow Fees	\$ <u>0.00</u>	%	\$ <u>0.00</u>
G. <u>TOTAL ESCALATED VALUE</u>			\$ <u>0.00</u>
H. Construction Contract Work	\$ <u>0.00</u>		

2. Anticipated Date of Right of Way Certification _____

3. Parcel Data:

Type	Dual/Appr	Utilities	RR Involvements	
X _____		U4-1 _____	None	X
A _____		-2 _____	C&M Agrmt	
B _____		-3 _____	Svc Contract	
C _____		-4 _____	Design	
D _____		U5-7 <u>2</u>	Const.	
E <u>XXXX</u>		-8 _____	Lic/RE/Clauses	
F <u>XXXX</u>		-9 _____	Misc R/W Work	
			RAP Displ.	0
			Clear Demo	0
			Const. Permits	0
			Condemnation	0
Total	0			

Areas: Right of Way 9 No. Excess Parcels 124 109 by MCH
Enter PMCS Screens 9 124 109 by MCH
Enter AGRE Screen (Railroad data only) 1 1 by 1

4. Are there any major items of construction contract work?
Yes ☐ No ☒ (If yes, explain)
5. Provide a general description of the right of way and excess lands required (zoning, use, major improvements, critical or sensitive parcels, etc.). No right of way required ☒
6. Is there an effect on assessed valuation?
Yes ☐ Not Significant ☐ No ☒ (If yes, explain)
7. Are utility facilities or rights of way affected? Yes ☐ No ☒
(If yes, attach Utility Information Sheet Exhibit 01-01-05)
8. Are railroad facilities or rights of way affected? Yes ☐ No ☒
(If yes, attach Railroad Information Sheet Exhibit 01-01-06)
9. Were any previously unidentified sites with hazardous waste and/or material found?
Yes ☐ None evident ☒ (If yes, attach memorandum per Procedural Handbook Volume 1, Section 101.011)
10. Are RAP displacements required? Yes ☐ No ☒
(If yes, provide the following information)
- | | | | |
|----------------------|-------|----------------------------|-------|
| No. of single family | _____ | No. of business/non profit | _____ |
| No. of multi-family | _____ | No. of farms | _____ |
- Based on Draft/Final Relocation Impact Statement/Study dated _____, it is anticipated that sufficient replacement housing (will/will not) be available without Last Resort Housing.
11. Are there material borrow and/or disposal sites required? Yes ☐ No ☒
(If yes, explain)
12. Are there potential relinquishments and/or abandonments? Yes ☐ No ☒
(If yes, explain)
13. Are there any existing and/or potential Airspace sites? Yes ☐ No ☒
(If yes, explain)

14. Are there Environmental Mitigation costs?
(If yes, explain)

Yes ☐ No ☒

15. Indicate the anticipated Right of Way schedule and lead time requirements. (Discuss if District proposes less than PMCS lead time and/or if significant pressures for project advancement are anticipated.)

PYPSCAN lead time (from Regular R/W to project certification) 6 months

16. Is it anticipated that all Right of Way work be performed by CALTRANS staff?
Yes ☒ No ☐ (If no, discuss)

Assumptions and Limiting Conditions

- This data sheet was completed without a hazardous waste/materials report.
- Information on this data sheet was based on maps provided by Malcolm Gilmour on May 20, 2009.

Evaluation Prepared By: Renata Frey

Right of Way: Name Renata Frey Date 9/17/09
Railroad: Name [Signature] Date 9/17/09
Utilities: Name [Signature] Date 9/17/09

Recommended for Approval:

[Signature]
Right of Way Capital Cost Coordinator

I have personally reviewed this Right of Way Data Sheet and all supporting information. It is my opinion that the probable Highest and Best Use, estimated values, escalation rates, and assumptions are reasonable and proper subject to the limiting conditions set forth, and find this Data Sheet complete and current.

[Signature]
Chief, R/W Appraisal Services

9/29/09
Date

cc: Program Manager
Project Manager

UTILITY INFORMATION SHEET

1. Utility Owners located within project limits:

None

2. Facilities potentially impacted by project (if known, include Owner(s) and facility type(s)):

3. Anticipated Workload:

_____ Utility Verification required *x- None*
_____ Positive Identification
_____ Utility Relocation
_____ ☒ Other (Specify)

4. Additional information concerning anticipated utility involvements (include limiting conditions and a narrative addressing likelihood that conflicts will occur);

_____ Involves possible relocation of electric transmission facilities
(If X'd, Data sheet should be forwarded to environmental)

5. PMCS input information

U4-1 _____ Owner Expense Involvements

U4-2 _____ State Expense Involvements
(Conventional, No Fed Aid)

U4-3 _____ State Expense Involvements
(Freeway, No Fed Aid)

U4-4 _____ State Expense Involvements
(Conventional or Freeway, No Fed Aid)

U5-7 2 Verifications-without involvements

U5-8 _____ Verifications-50% Involvements

U5-9 _____ Verifications resulting in involvements

NOTE: The sum of the U-4's must equal the sum of 1/2 of the U5-8's and all of the U5-9's.

ESTIMATED STATE SHARE OF COSTS \$0.00

Prepared by: Edgar Velez


Right of Way Utility
Coordinator

9/17/09
Date

ATTACHMENT G
Categorical Exemption

CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM

04-ALA-238,	9.32/14.01,		
04-ALA-92,	6.78/8.21,		
04-ALA-185	0.00/0.91	0G240K	
Dist.-Co.-Rls. (or Local Agency)	P.M.P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.

PROJECT DESCRIPTION:

(Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Relinquishment of the following segments of the State Highway System (SHS) to the City of Hayward: State Route 238 from Post Mile (PM) 9.32 to PM 14.01, State Route 92 from PM 6.78 to PM 8.21, and State Route 185 from PM 0.00 to Post Mile 0.91. This relinquishment is consistent with Assembly Bill 1386, and will eliminate State costs related to maintenance, operations and tort liability associated with the continuation of ownership and operation of the specified segments. It will also expedite delivery of future locally implemented improvements in Hayward, and develop a more cost effective State highway system that provides improved connectivity and mobility of people and goods. These portions of the SHS are to be deleted from the SHS by legislative enactment in accordance with Section 73 of the Streets and Highways Code.

CEQA COMPLIANCE (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION

☐ Exempt by Statute. (PRC 21080(b); 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ Categorically Exempt. Class 1. (PRC 21084; 14 CCR 15300 et seq.)

☐ Categorically Exempt. General Rule exemption. (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061(b)(3))

Ed Pang

Val Ignacio

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer



9/14/09
Date



9/16/09
Date


NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b)
(<http://www.fhwa.dot.gov/rep/23cfr771.htm> - sec.771.117).

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506 and 40 CFR 93.

CALTRANS NEPA DETERMINATION

(NOT APPLICABLE -  9/14/09)

☐ Section 6004: The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c) ☐
- 23 CFR 771.117(d): activity (d) ☐
- Activity listed in the MOU between FHWA and the State

☐ Section 6005: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Ed Pang

Val Ignacio

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies; documentation of conformity exemption; FHWA conformity determination if Section 6005 project; §106 commitments; §4(f); §7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions). Revised September 15, 2008